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BRYCE A. JONES

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BURGESS, BARBARA N

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/477,991	Applicant(s) JONES, BRYCE A.	
	Examiner BARBARA N. BURGESS	Art Unit 2457	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2009 and 07 May 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 166-185 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 166-185 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Office Action is in response to Pre-Appeal Conference decision filed May 7, 2009 to re-open prosecution. Claims 1-165 have been previously cancelled. Claims 166-185 are presented for further examination.

Claim Rejections - 35 USC § 101

1. The method of claim 166 involves receiving and routing a voice call. A voice call in this application is an Internet session for exchanging information using call treatment or videoconferencing treatment. (Specification, page 3, lines 12-17, page 5, lines 10-13). The voice call is originated from the user device. Therefore, it is tied to a particular machine (user device) in a meaningful or significant manner.
2. No 101 rejection is deemed necessary.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Art Unit: 2457

4. Claims 166, 168-172, 176-182 are rejected under 35 U.S.C. 102(e) as being anticipated by Goss (US Patent 6,687,241 B1).

As per claim 166, Goss discloses a method of routing a voice call, wherein the voice call originates from a user device including a cookie and wherein a call center has a plurality of call center resources, the method comprising:

- Receiving the voice call originating from the user device including the cookie (column 2, lines 10-12, 21-27, 45-49, column 3, lines 30-33, column 7, lines 62-67; Goss teaches a Web Server and Enterprise Contact Server receiving a voice over IP (VOIP) request from a customer. Cookies are used to identify the customer and match the request to a qualified agent);
- Processing the cookie from the user device to select one of the call center resources (column 7, lines 62-67, column 8, lines 17-18, 30-37, 42-48 ; Goss teaches analyzing the cookie to identify the customer, IP address of the customer, the URL of Webpage from which the request was selected for the purpose of matching the request to a qualified agent);
- Routing the voice call originating from the user device to the selected one of the call center resources (column 5, lines 11-15, column 9, lines 1-5, 66-67, column 10, lines 1-4; Goss teaches routing the VOIP request to a call center having a qualified agent to handle the request).

As per claim 168, Goss discloses the method of claim 166, wherein processing the cookie from the user device to select one of the call center resources is further based upon caller-entered information (column 7, lines 51-55, 62-67, column 8, lines 35-41, column 9, lines 8-10; Goss teaches the user entering login information such as customer's user ID and password. The cookie is used to identify the user by the customer's ID).

As per claim 169, Goss discloses the method of claim 166, wherein processing the cookie from the user device to select one of the call center resources is further based upon an Internet Protocol address (column 8, lines 35-41; Goss teaches providing the customer's IP address to the selected agent).

As per claim 170, Goss discloses the method of claim 166, wherein processing the cookie from the user device to select one of the call center resources is further based upon a domain name (column 8, lines 35-36, column 9, lines 9-10; Goss teaches including the URL of the Webpage in which the request was made to the selected agent).

As per claim 171, Goss discloses the method of claim 166, wherein processing the cookie from the user device to select one of the call center resources is further based upon one or more of a day or a time of day (column 6, lines 8-10, column 10, lines 36-40; Goss teaches routing the call based on time of day or day of week).

As per claim 172, Goss discloses the method of claim 166, wherein processing the cookie from the user device to select one of the call center resources is further based on the least busy agent (column 2, lines 5-10, 35-43; Goss teaches routing the call and selecting the agent according to the availability of the qualified agent).

As per claim 176, Goss discloses a communication system for routing a voice call, wherein the voice call originates from a user device including a cookie and wherein a call center has a plurality of call center resources, the communication system comprising:

- A plurality of web call resources for handling web calls (column 2, lines 24-26, 40-43, column 3, lines 30-33, column 4, lines 1-4, 15-18; Goss teaches routing requests from customers over Internet voice telephony to qualified agents at call centers);
- A web call center configured to receive the voice call originating from the user device including cookie (column 2, lines 10-12, 21-27, 45-49, column 3, lines 30-33, column 7, lines 62-67; Goss teaches a Web Server and Enterprise Contact Server receiving a voice over IP (VOIP) request from a customer. Cookies are used to identify the customer and match the request to a qualified agent);
- Process the cookie from the user device to select one of the call center resources (column 7, lines 62-67, column 8, lines 17-18, 30-37, 42-48 ; Goss teaches analyzing the cookie to identify the customer, IP address of the customer, the URL

of Webpage from which the request was selected for the purpose of matching the request to a qualified agent);

- Route the voice call originating from the user device to the selected one of the call center resources (column 5, lines 11-15, column 9, lines 1-5, 66-67, column 10, lines 1-4; Goss teaches routing the VOIP request to a call center having a qualified agent to handle the request).

As per claim 178, Goss discloses the communication system of claim 176, wherein processing the cookie from the user device to select one of the call center resources is further based upon caller-entered information (column 7, lines 51-55, 62-67, column 8, lines 35-41, column 9, lines 8-10; Goss teaches the user entering login information such as customer's user ID and password. The cookie is used to identify the user by the customer's ID).

As per claim 179, Goss discloses the communication system of claim 176, wherein processing the cookie from the user device to select one of the call center resources is further based upon an Internet Protocol address (column 8, lines 35-41; Goss teaches providing the customer's IP address to the selected agent).

As per claim 180, Goss discloses the communication system of claim 176, wherein processing the cookie from the user device to select one of the call center resources is further based upon a domain name (column 8, lines 35-36, column 9, lines 9-10; Goss

teaches including the URL of the Webpage in which the request was made to the selected agent).

As per claim 181, Goss discloses the communication system of claim 176, wherein processing the cookie from the user device to select one of the call center resources is further based upon one or more of a day or a time of day (column 6, lines 8-10, column 10, lines 36-40; Goss teaches routing the call based on time of day or day of week).

As per claim 182, Goss discloses the communication system of claim 176, wherein processing the cookie from the user device to select one of the call center resources is further based on the least busy agent (column 2, lines 5-10, 35-43; Goss teaches routing the call and selecting the agent according to the availability of the qualified agent).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 167, 177 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goss (US Patent 6,687,241 B1) in view of Dunn et al. (hereinafter "Dunn", US Patent 6,836,476 B1).

As per claim 167, Goss does not explicitly disclose method of claim 166, wherein the voice call comprises a Get document request in Hyper Text Transfer Protocol. However, in an analogous art, Dunn teaches using VOIP to request services from Eckerd Drug Store. The requested service might be ordering a prescription and getting directions (column 6, lines 15-18, 24-30, 64-67, column 7, lines 1-4).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Dunn's voice call comprises a Get document request in Hyper Text Transfer Protocol in Goss's method in order for users to have a more convenient way of acquiring local information while providing the user with desired services (Dunn, column 2, lines 7-8, column 6, lines 24-26).

As per claim 177, Goss does not explicitly disclose the communication system of claim 176, wherein the voice call is comprises a Get document request in Hyper Text Transfer Protocol (paragraphs [0045, 0050]). However, in an analogous art, Dunn teaches using VOIP to request services from Eckerd Drug Store. The requested service might be ordering a prescription and getting directions (column 6, lines 15-18, 24-30, 64-67, column 7, lines 1-4).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Dunn's voice call comprises a Get document request in Hyper Text Transfer Protocol in Goss's system in order for users to have a more convenient way of acquiring local information while providing the user with desired services (Dunn, column 2, lines 7-8, column 6, lines 24-26).

7. Claims 173, 183 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goss (US Patent 6,687,241 B1) in view of Bruno et al. (hereinafter "Bruno", US Patent Publication 2002/0021693 A1).

As per claim 173, Goss does not explicitly disclose the method of claim 166, wherein processing the cookie from the user device to select one of the call center resources is further based on the least congested route.

However, in an analogous art, Bruno teaches connecting a call to an agent based on the availability of the agent to receive the call. A selected agent is based on skill level, idle agent criteria, and routing instructions. The routing instructions are determined by time of day, call origination, and network congestion condition (Abstract, paragraph [0010, lines 17-23]).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Bruno's select one of the call center resources is further based on the least congested route in Goss's method providing

advanced routing features for Internet traffic using the same techniques that are used in circuit-switched telecommunications networks (Bruno, paragraph [0024, lines 16-19]).

As per claim 183, Goss does not explicitly disclose the communication system of claim 176, wherein processing the cookie from the user device to select one of the call center resources is further based on the least congested route.

However, in an analogous art, Bruno teaches connecting a call to an agent based on the availability of the agent to receive the call. A selected agent is based on skill level, idle agent criteria, and routing instructions. The routing instructions are determined by time of day, call origination, and network congestion condition (Abstract, paragraph [0010, lines 17-23]).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Bruno's select one of the call center resources is further based on the least congested route in Goss's system providing advanced routing features for Internet traffic using the same techniques that are used in circuit-switched telecommunications networks (Bruno, paragraph [0024, lines 16-19]).

8. Claims 174, 184 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goss (US Patent 6,687,241 B1) in view of Vered et al. (hereinafter "Vered", US Patent 6,826,194 B1).

As per claim 174, Goss does not explicitly disclose the method of claim 166, wherein processing the cookie from the user device to select one of the call center resources is further based on one or more a class of service or a quality of service. However, Vered teaches routing voice calls to a call center having a plurality of agents. Agents are selected having different skills who can provide the IP user the desired quality of service (column 6, lines 40-46, Abstract).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Vered's select one of the call center resources is further based on one or more a class of service or a quality of service in Goss's method providing visual information about the current quality of service and available resources prior to call establishment (Vered, column 2, lines 29-32).

As per claim 184, Goss does not explicitly disclose the communication system of claim 176, wherein processing the cookie from the user device to select one of the call center resources is further based on one or more a class of service or a quality of service.

However, Vered teaches routing voice calls to a call center having a plurality of agents. Agents are selected having different skills who can provide the IP user the desired quality of service (column 6, lines 40-46, Abstract).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Vered's select one of the call

center resources is further based on one or more a class of service or a quality of service in Goss's system providing visual information about the current quality of service and available resources prior to call establishment (Vered, column 2, lines 29-32).

9. Claims 175, 185 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goss (US Patent 6,687,241 B1) in view of Ma et al. (hereinafter "Ma", US Patent 7,536,002 B1).

As per claim 175, Goss does not explicitly disclose the method of claim 166, further comprising selecting a web service application based upon the cookie. However, in an analogous art, Ma teaches a call routing system that routes calls to call centers that are staffed by agents. Agents may be assigned to calls based on their skill sets and levels. The customer is identified using cookies. Based on the cookies, an offer list is obtained for the customer containing offer presentations or advertisements for display and viewing by the customer (column 23, lines 53-61, column 24, lines 24-26).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Ma's selecting a web service application based upon the cookie in Goss's method delivering presentations or advertisements at any time for the purpose of customers visiting the website (Ma, column 23, lines 64-67).

As per claim 185, Goss does not explicitly disclose the communication system of claim 176, further comprising selecting a web service application based upon the cookie. However, in an analogous art, Ma teaches a call routing system that routes calls to call centers that are staffed by agents. Agents may be assigned to calls based on their skill sets and levels. The customer is identified using cookies. Based on the cookies, an offer list is obtained for the customer containing offer presentations or advertisements for display and viewing by the customer (column 23, lines 53-61, column 24, lines 24-26).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Ma's selecting a web service application based upon the cookie in Goss's system delivering presentations or advertisements at any time for the purpose of customers visiting the website (Ma, column 23, lines 64-67).

Response to Arguments

10. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BARBARA N. BURGESS whose telephone number is (571)272-3996. The examiner can normally be reached on M-F (8:00am-4:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone numbers for the organization where this application or proceeding is assigned are (571) 273-8300 for regular communications and (571) 273-8300 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

/Barbara N Burgess/
Examiner, Art Unit 2457

Barbara N Burgess
Examiner
Art Unit 2457

July 6, 2009
/Barbara N Burgess/
Examiner, Art Unit 2457